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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Independent Expert on human rights and international solidarity, Virginia Dandan

Summary

The Independent Expert on human rights and international solidarity, Virginia Dandan, submits the present report in accordance with Human Rights Council resolution 23/12. The present report provides a summary of activities undertaken by the Independent Expert from May 2013 to January 2014.

The proposed draft declaration on the right of peoples and individuals to international solidarity is the main feature of the present report and is contained in the annex.

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I. Introduction

1. The Human Rights Council, in its resolution 23/12, welcomed the report of the Independent Expert on human rights and international solidarity, Virginia Dandan (A/HRC/23/45), whom it had appointed as mandate holder for human rights and international solidarity on 1 August 2011. It also welcomed the work conducted by the Independent Expert, including her consultations with States, civil society organizations and other stakeholders, her participation in the 2012 Social Forum and the seminar on the enhancement of international cooperation in the field of human rights, held in Geneva in February 2013.

2. The Council reiterated its requests to the Independent Expert contained in previous resolutions, including that she continue to engage actively in the post-2015 process, and participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the implementation of the Millennium Development Goals (MDGs) and in the post-2015 sustainable development agenda.

3. The Council further requested that the Independent Expert, in accordance with her workplan, continue the preparation of a draft declaration on the right of peoples and individuals to international solidarity and further develop guidelines, standards, norms and principles with a view to promoting and protecting that right by addressing, inter alia, existing and emerging obstacles to its realization; and consider holding regional consultations on those issues. It requested the Office of the United Nations High Commissioner for Human Rights to assist the Independent Expert in the organization and holding of those consultations, including through the allocation of sufficient budgetary resources.

4. Notably, the Council requested the Independent Expert to conduct in-depth research and intensive consultations with a view to preparing and sharing with Member States and all other relevant stakeholders a preliminary text of the draft declaration, to continue consultations with States, and to submit a report on the implementation of resolution 23/12 at the its twenty-sixth session.

5. The previous report of the Independent Expert covered a period of five months, her interactive dialogue with the Human Rights Council having been moved forward by approximately four months in conformity with a revised schedule for special procedures mandate holders' reports and interactive dialogues with the Council. The present report thus reflects the activities undertaken by the Independent Expert between 31 May 2013 and 31 January 2014.

6. The notable feature of the present report is the proposed draft declaration on the right of peoples and individuals to international solidarity, contained in the annex. In section V of the report, the Independent Expert offers her insights and recommendations regarding the next steps forward.

II. Activities

7. The Independent Expert has undertaken a number of activities since submitting her previous report (A/HRC/23/45).

A. Interactive dialogue with the Human Rights Council

8. During the twenty-third session of the Human Rights Council, held in May 2013, the Independent Expert presented her report to the Council (A/HRC/23/45). She informed the Council that the reporting cycle of her mandate had been modified, moving her interactive dialogue with the Council forward by almost four months. As a consequence, her work on a preliminary text of the draft declaration on the right of peoples and individuals to international solidarity, as requested by the Council in its resolution 21/10, was still in progress at the time of the interactive dialogue. The Independent Expert stated that the preliminary text would be ready by August 2013. It would then be transmitted to Member States, the Geneva-based United Nations agencies and non-governmental organizations (NGOs), experts, academics and other stakeholders, with a view to eliciting comments and inputs to be considered in the preparation of the draft declaration.

9. In her concluding remarks, the Independent Expert stated that, as previously promised during the eighteenth session of the Council, held in September 2011, the draft declaration would be submitted in time for the consideration of the Human Rights Council during its twenty-sixth session, to be held in June 2014.

B. Vienna+20 international conference

10. The international conference entitled Vienna+20: Advancing the Protection of Human Rights, held in Vienna on 27 to 28 June 2013, marked the twentieth anniversary of the World Conference on Human Rights that had adopted the Vienna Declaration and Programme of Action. The 2013 conference was hosted by the Government of Austria in cooperation with the Office of the United Nations High Commissioner for Human Rights. The twentieth annual meeting of special procedures mandate holders of the Human Rights Council was also held in Vienna during the three days preceding the Conference in order to enable the mandate holders to participate in the conference and contribute to its outcomes.

11. The conference was a gathering of high-level human rights stakeholders from around the world, including the special procedures mandate holders and human rights treaty body members, representatives of regional and national human rights institutions, human rights defenders and representatives of civil society and academia. The conference was immediately preceded by a two-day international human rights civil society conference.

12. During the conference, there were three simultaneous working groups on: the rule of law; realizing the human rights of women universally; and a human rights-based approach to the post-2015 development agenda. The three working groups were to develop action-oriented recommendations on how to further strengthen the human rights system, giving a voice to human rights defenders and civil society organizations as crucial agents for global human rights protection.

13. The Independent Expert participated in the working group on the post-2015 development agenda, an area in which international solidarity is of critical relevance. The working group discussed the key challenges for ensuring that human rights were fully integrated in the post-2015 development agenda, and examined how the new framework could ensure that human rights principles would be consistently taken into account in all development measures. It also considered how to ensure that the contributions of the human rights system and its various mechanisms were systematically integrated into the development discussion, and how the accountability of States, the United Nations system, international financial institutions, the private sector and other duty bearers could be better defined and ensured.

14. In follow-up to the conference, it was decided that recommendations from the three working groups would be pursued by participants in their respective fields to inspire further work undertaken in the framework of international organizations. Together with papers presented at the conference, the recommendations were to be subsequently published by the organizers as a conference outcome.

C. Report to the General Assembly

15. The Independent Expert presented the first report under the mandate on human rights and international solidarity to the General Assembly in October 2013, during its sixty-eighth session. In her statement, she briefly introduced her mandate and outlined the salient milestones that had been reached since the establishment of the mandate in 2005, beginning with her predecessor's activities and continuing with her own activities to date.

16. She described the three stages in her workplan and pointed out how international solidarity had already been sufficiently defined and redefined in the course of Stage One. Stage Two of the workplan had therefore shifted the focus to building up the momentum necessary to move beyond the issue of international cooperation and assistance, which for too long has constrained the elaboration of a right to international solidarity. She had recently embarked on Stage Three of her workplan, fast-tracking it in response to a resolution of the Human Rights Council at its twenty-first session, held in 2012, requesting her to prepare a preliminary text of the draft declaration on the right to international solidarity, to be shared with Member States and all other relevant stakeholders with a view to eliciting comments and inputs prior to finalizing the text of the draft declaration.

17. She pointed out that the preliminary text of the draft declaration had been circulated via a note verbale among Member States, the Geneva-based United Nations agencies and NGOs, experts, academics and other stakeholders, and that it was also at that time being circulated among States party delegations in New York, the New York-based United Nations agencies, NGOs and other actors. The aim was to disseminate the draft as widely as possible so as to achieve a broad consultation base.

18. The Independent Expert thanked the General Assembly for its support and its cooperation with the work of her mandate, and looked forward to a continuing and meaningful collaboration.

D. Media releases[1]

1. Post-2015 development agenda

19. In the first week of November 2013, the Independent Expert released a statement to the media, calling on Member States to place international solidarity at the heart of the post-2015 development agenda. She said that, through international solidarity, peoples and individuals would have the freedom to enjoy the benefits of a harmonious international society in which all human rights and fundamental freedoms would be fully realized. She also announced the availability of the preliminary text of a draft declaration on the right of peoples and individuals to international solidarity, and that the draft declaration itself would be submitted to the Human Rights Council at its twenty-sixth session, to be held in June 2014.

[1] The full texts of the statements are available from www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?NTID=PRS&MID=IE_Solidarity.

2. Second anniversary of the Maastricht Principles

20. In a joint statement dated 28 September 2013, the Special Rapporteurs on extreme poverty and human rights, on the right to food, on the human right to safe drinking water and sanitation and the Independent Expert on human rights and international solidarity urged States worldwide to take into account a set of guidelines known as the Maastricht Principles on the Extraterritorial Obligations of States in the area of Economic, Social and Cultural rights. The Principles had been adopted on 28 September 2011 by leading specialists in international law and human rights in Maastricht, the Netherlands. In the joint statement, the Independent Expert pointed out that principles 26 to 35 clearly spelled out the conduct of States in their relations with each other, taking into account their shared human rights obligations.

3. United Nations Climate Change Conference in Warsaw

21. The Independent Expert addressed a message to States attending the nineteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP19) and the ninth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP9), held in Warsaw from 11 to 23 November 2013. She encouraged them to ground their discussions on the principle of international solidarity and echoed calls for United Nations talks not to stall over the issue of compensation for the effects of climate change. She stated that time was too short and the consequences too great to risk those negotiations being caught up in entrenched political positions and economic self-interest. She stressed that the Warsaw Conference was the moment for genuine collaboration among States to establish safeguards for minimizing the adverse effects of climate change on the human rights and fundamental freedoms of all peoples, especially those in the most vulnerable countries.

4. International Human Solidarity Day

22. The Independent Expert issued a statement to mark International Human Solidarity Day, celebrated every year on 20 December in recognition of the imperative to come together as one human family to address the contemporary global challenges confronting all peoples and countries, and unify in peace to preserve and save our planet not only for ourselves but also for future generations. The Independent Expert noted that many global challenges and mass human rights violations, including global poverty, have persisted because of the pervasive gaps that exist in communities, between countries, and in international policy frameworks, and which allow the world's most vulnerable people to fall through the cracks. International solidarity is the bridge across those gaps in understanding, action and accountability. She stressed that the post-2015 development agenda was an opportunity to close the gaps that persist, and create a global development framework based on a genuine global partnership between States with human rights at its heart. She urged all stakeholders currently building the agenda to be true to their promises in the Millennium Declaration, to hold up solidarity and shared responsibility as the "fundamental values ... essential to international relations in the twenty-first century" and to anchor the next global development agenda in international solidarity.

E. Participation in human rights education and training programmes

1. Diplomacy Training Program

23. The Independent Expert was invited by Diplomacy Training Program twice during the past year to give keynote speeches and facilitate two of its training programmes. The first was on Indigenous Peoples, Human Rights Advocacy and Development, a programme for indigenous advocates of the Asia-Pacific region, held in Phnom Penh from 10 to 19

June 2013. The second was the twenty-third Annual Human Rights and Peoples' Diplomacy Training Program held in Dili from 18 to 19 November 2013. In both programmes, the Independent Expert spoke at the opening ceremonies and facilitated modules on economic, social and cultural rights, the right to development, using human rights to analyse development challenges, and transnational human rights and the rise of extraterritorial obligations in economic, social and cultural rights. A special feature of the two training programmes was a three-hour session to provide information and raise awareness about human rights and international solidarity. In addition, during the Annual Training Program in Dili, she had the opportunity to present to participants the preliminary text on the draft declaration on the right of peoples and individuals to international solidarity, and elicit comments and generate discussion on that right.

24. Diplomacy Training Program is an independent NGO dedicated to a vision of the world in which all States meet their obligations to respect, protect and fulfil human rights. It pursues that vision through education in human rights advocacy for human rights defenders and community advocates through its range of training programmes throughout the Asia-Pacific region and in Australia. Established in 1989, Diplomacy Training Program is affiliated with the University of New South Wales in Australia. Since 1990, over 2,200 human rights defenders from the Asia-Pacific region have benefited from its specialized and general training programmes. The benefits, including skills in advocacy, diplomacy and communication, together with a sound knowledge of internationally agreed human rights standards and intergovernmental systems, are some of the most effective tools human rights defenders can use to peacefully achieve improved human rights outcomes. The benefits are shared with the participants' organizations, widening the positive impact on their communities and societies.

2. Seoul National University Human Rights Center International Course on Human Rights and Asia

25. The Independent Expert was invited to lecture on "Poverty and Human Rights in Asia," and "Cultural Rights in Multi-cultural Society: the Asian Context" during the International Course on Human Rights and Asia organized by Seoul National University Human Rights Center. In her lecture on poverty, she characterized poverty as a deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights. She drew attention to the sectors of Asian societies more likely to suffer the adverse impacts of poverty in human rights terms, as well as the links between poverty, inequality and human rights worldwide, not just in Asia. It was during that lecture that the Independent Expert introduced the notion of international solidarity and explained why it is an imperative to ending poverty, hunger, inequality and a range of other issues, pointing out the human rights dimension of each issue. The role of international solidarity was also highlighted in her lecture on cultural rights, as were its significance and application in essentially multicultural societies such as those in Asia.

26. The International Course on Human Rights and Asia was held from 6 to 17 January 2014. The Course attracted participants from Asia, Europe and the United States of America, who were either professionals or postgraduate students in the fields of international law, international studies, development studies, political science, health care, or human rights. The eleven international lecturers for the Course were human rights experts from the Asian region, who were each requested to deliver two lectures covering their respective fields of expertise.

27. Seoul National University Human Rights Center was established in 2012 with the purpose of fostering a culture of mutual respect and contributing to the promotion of human rights through academic research, education and consultation. Since its establishment, the

Center has participated, created and led various activities for the promotion of human rights, including hosting its first international course on International Development and Human Rights.

III. Overview of international solidarity among States in outcomes of selected global and regional summits

28. In this section of the report, the Independent Expert presents a summary of the outcomes of selected global and regional summits, in accordance with the request of the Council in its resolution 23/12. This section illustrates the activities undertaken by States to promote international solidarity.

A. Forum for East Asia-Latin America Cooperation: Uluwatu Declaration

29. Foreign ministers of the Forum for East Asia-Latin America Cooperation (FEALAC) member countries met in Bali, Indonesia, on 13 and 14 June 2013 and adopted the Uluwatu Declaration. They recognized that addressing new and emerging challenges in today's globalized and interdependent world requires efficient collaboration, cooperation and coordination among nations and other actors. They agreed to facilitate and strengthen interregional cooperation and collaboration between East Asia and Latin America, to work to reduce inequalities and gaps within and among member countries and to support the attainment of sustainable, inclusive and equitable economic growth and development, including the attainment of the MDGs in East Asian and Latin American countries.

30. The Uluwatu Declaration covers a broad range of issues, including the belief that micro, small, and medium-sized enterprises are the backbone of the FEALAC economies and the largest source of domestic employment, providing opportunities for women and youth to participate in economic development; the commitment to strengthen sociocultural cooperation and promote greater people-to-people interactions through increasing cultural education, sports and academic exchange, and interaction between parliamentarians and civil societies; the intention to achieve universal health coverage and to strengthen disaster risk reduction, preparedness and management; and the determination to continue engaging constructively in the negotiations under the United Nations Framework Convention on Climate Change and the Kyoto Protocol towards a post-2020 ambitious climate change regime.

31. The FEALAC countries reaffirmed their commitment to develop closer collaboration in preventing and combating transnational organized crime, including illicit traffic in narcotic drugs and psychotropic substances, corruption, smuggling of migrants, trafficking in persons, particularly women and children, which has grave impacts on human rights, the rule of law, security and social economic development. They further acknowledged the importance of creating a safe cyberspace, including by enhancing international cooperation to combat cybercrime.

32. The Declaration recognized the potential of South-South and triangular cooperation as mechanisms that allow the sharing and promotion of the strengths and institutional capabilities of the countries of both regions, based on solidarity and guided by the principles of respect for national sovereignty and free from any conditionalities, to contribute to their social and economic development. The FEALAC countries reaffirmed their commitment to fight against poverty, achieve all the MDGs and work towards an ambitious and implementable post-2015 development agenda that has at its centre poverty eradication, the promotion of sustainable development, and equitable and inclusive growth.

B. Asia-Pacific Ministerial Dialogue: Bangkok Declaration

33. The Asia-Pacific Ministerial Dialogue, held in Bangkok from 26 to 28 August 2013, was the first regional ministerial conference to discuss the United Nations development agenda beyond 2015 after the release of the report of the United Nations High-level Panel of Eminent Persons on the Post-2015 Development Agenda. As well as government representatives, the event was attended by representatives of civil society, the private sector, international organizations and United Nations agencies. The Independent Expert on human rights and international solidarity also attended, engaging with representatives of States and with NGOs, and participating in side events and group discussions.

34. The Bangkok Declaration was adopted as the outcome document at the end of the Ministerial Dialogue. It recommended that the United Nations Development Agenda beyond 2015 should carry forward the spirit of the Millennium Declaration with: (a) a determination to build upon and further carry on the MDGs, particularly with the aim of eradicating poverty; (b) a balanced integration of the economic, social, and environmental dimensions of sustainable development; (c) an emphasis on inclusive, equitable and sustainable development and economic growth aiming to effectively address all forms of inequalities and the factors underpinning them; (d) a focus on the global, regional and national dimensions of sustainable development in addressing the special needs and particular challenges of the least developed countries, landlocked developing countries and small island developing States, in the context of their respective plans and programmes of action; and (e) a strengthened global partnership for the enhanced implementation of internationally agreed development goals and objectives.

35. The Declaration reaffirmed the need to strengthen a multilateral trading regime that is fair, just and open, advance trade and investment liberalization and facilitation, remove trade and investment barriers and oppose and resist all forms of protectionism. It also reiterated that each country has primary responsibility for its own economic and social development.

36. The Declaration stressed that poverty reduction and education must remain at the core of global development and proposed that the post-2015 framework should incorporate goals to ensure universal access to health care and education, promotion of disaster risk reduction and preparedness, and that it should also be supportive of climate change adaptation and environmental sustainability. In particular, it stressed the critical need to ensure gender equality and promote women's empowerment as a fundamental precondition and central component of sustainable development. It underscored the importance of technology transfer to developing countries and recalled the provisions on technology transfer, finance, access to information and intellectual property rights as agreed in the Johannesburg Plan of Implementation.

37. The Declaration reiterated the importance of the urgent fulfilment of aid commitments by developed countries, noting with concern that the gap between actual aid disbursements and commitments has widened and aid flows to developing countries have also declined in real terms.

C. United Nations Climate Change Conference in Warsaw

38. The nineteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP19) and the ninth session of the Conference of the Parties serving as the meeting of Parties of the Kyoto Protocol (CMP9) met in Warsaw from 11 to 23 November 2013. The following paragraphs summarize some

of the key features of essential decisions reached during the Conference towards securing a universal climate change agreement in 2015.

39. The objective of the forthcoming 2015 agreement is to bring nations together in a binding global commitment and action to reduce emissions rapidly enough to avoid the danger zone of the changing climate while humanity builds adaptation capacity, and to stimulate faster and broader action immediately. The idea is to successfully conclude negotiations and forge a universal agreement by December 2015, which will enter into force in 2020. Governments agreed to put forward their nationally determined contributions by the beginning of the United Nations Climate Change Conference in Lima at the end of 2014. It was also decided that nationally determined contributions would be put forward in a clear and transparent manner, and developed countries were urged to provide support to developing countries in that important domestic process.

40. The Warsaw International Mechanism for Loss and Damage was established to address the loss and damage caused by the effects of long-term climate change in developing countries, which are especially vulnerable to such effects. The mechanism will facilitate the exchange of information and best practices for dealing with loss and damage induced by climate change and will strengthen action and support, including by facilitating the mobilization of finance. The interim implementation of the Mechanism will be guided by an executive committee, which will report to the Conference of the Parties and be reviewed in 2016.

41. The rulebook for reducing emissions from deforestation and forest degradation was agreed along with measures to bolster forest preservation and a results-based payment system to promote forest protection. Additionally, the framework for measuring, reporting and verifying mitigation efforts, including by developing countries, is now fully operational. The agreement is important because it means that the mitigation, sustainability and support efforts of countries can now be measured more accurately.

42. The Green Climate Fund, which aims to be a major channel for financing global action, will be ready for capitalization in the second half of 2014.

D. Third Africa-Arab Summit: Kuwait Declaration

43. The Third Africa-Arab Summit, held from 19 to 20 November 2013 in Kuwait City, was a gathering of leaders of the countries of the two regions. They came together with a common resolve to strengthen South-South cooperation and the solidarity and friendship between the countries and their peoples with a view to consolidating Africa-Arab relations based on the principles of equality, mutual interests and respect. The theme of the summit was "Partners in Development and Investment." Highlights of the Kuwait Declaration, adopted as the outcome document of the summit, are outlined in the paragraphs that follow.

44. The Declaration urged all relevant stakeholders to find peaceful settlements to political crises in the two regions and support the progress made in peacebuilding and post-conflict reconstruction and development. It condemned terrorism in all its forms and manifestations, and transnational organized crime such as hostage-taking, human trafficking, piracy and proliferation of arms, and called upon all African and Arab countries to support the implementation of the United Nations integrated strategy for the Sahel.

45. The Declaration also called upon States to formulate the necessary laws to protect youth and women, enhance their economic empowerment, ensure their participation in the decision-making process on an equal footing with men, and guarantee their full participation in all aspects of political, economic and social activities; and to support strategies and initiatives aimed at the elimination of discrimination against women in order

to achieve equality and equity and to raise public awareness of the human rights, values and principles that guarantee women's rights and their role in society.

46. The Declaration reiterated the commitment of the African and Arab countries to ensure that vulnerable groups have access to primary and essential medicines and therefore support initiatives to integrate policies on combating epidemic diseases (malaria, tuberculosis and HIV/AIDS) and non-communicable diseases in education, information and public awareness programmes; to strengthen cooperation in the field of education and scientific research programmes and share best practices in those two fields; to facilitate investment in the field of energy aimed at jointly developing new and renewable energy sources and expanding access to reliable and affordable modern energy services; to encourage governments, the private sector and civil society to strengthen cooperation on issues concerning rural development, agricultural development and food security; to promote interaction between African and Arab civil society organizations to enhance people-to-people relationships; and to develop policies to support economic growth and adopt financial policies that guarantee sustainability in order to enhance poverty eradication policies, including the MDGs and the post-2015 development agenda.

47. The Declaration also reaffirmed the strong commitment of the countries of the two regions to comprehensive reform of the United Nations system, including the Security Council, to reflect current global realities and make it more regionally representative, balanced, democratic, effective and fair. It welcomed the decision of the League of Arab States (LAS) Council at the level of the Summit to establish an Arab Court of Human Rights with headquarters in Bahrain, which is regarded as a support to the common Arab system in the field of human rights in a legislative framework based on international agreement, the principles of international law and the International Bill of Human Rights.

E. Second summit of the Community of Latin American and Caribbean States: Havana Declaration

48. The Second summit of the Community of Latin American and Caribbean States (CELAC) convened in Havana from 28 to 29 January 2014 and brought together the Heads of State and Government of the Latin American and the Caribbean States. The Havana Declaration, the outcome document, declared the CELAC region a nuclear-free zone of peace, based on respect for the principles and rules of international law, including the international instruments to which member States are a party, and the purposes and principles of the Charter of the United Nations.

49. The Havana Declaration contains specific commitments on the part of the CELAC countries to resolve disputes through peaceful means with the aim of definitively eliminating the threat or actual use of force in the region; to abide by their obligation not to intervene, directly or indirectly, in the internal affairs of any other State; to uphold the commitment of the peoples of Latin America and the Caribbean to foster cooperation and friendly relations with each other and with other nations; to practise tolerance and live together in peace with each other as good neighbours; to fully respect the inalienable right of every State to choose its political, economic, social, and cultural system; to promote a culture of peace in the region, based, inter alia, on the principles of the Declaration on a Culture of Peace; to be guided by the Declaration in their international relations; and to continue promoting nuclear disarmament as a priority.

50. The CELAC countries accorded the highest priority to strengthening food and nutritional security, literacy and post-literacy, free universal public general education, quality technical, vocational and higher education with a social purpose, fostering land tenure, agricultural development, including peasant and family farming, decent and

permanent jobs, support for small farmers, unemployment insurance, universal public health, the right to adequate housing for all and productive and industrial development as decisive factors to eradicate hunger, poverty and social exclusion. In the Declaration, they reiterated their commitment to the eradication of child labour at the earliest possible date.

51. The CELAC countries recognized that indigenous peoples and local communities play a significant role in economic, social and environmental development and also recognized the valuable contributions of the private sector, civil society, social movements and society as a whole. They pledged to continue consolidating sound regional concepts acknowledging the rights of migrants, and to increase coordination on regional policies on migration and common positions in global and interregional negotiations on migration, especially regarding the promotion of the global debate on the link between migration, development and human rights.

52. The Declaration stressed the crucial importance of the intergovernmental process for formulating the post-2015 development agenda, which should be open, transparent and inclusive. It emphasized that the new development agenda should be formulated on the basis of full respect for the principles enshrined in the Charter of the United Nations and in the light of the principles enshrined in the final document adopted at Rio+20, entitled "The Future We Want".

IV. Constructing the draft declaration on the right of peoples and individuals to international solidarity

53. The Independent Expert, mindful of word limit guidelines, provides a brief outline of the process leading to the proposed draft declaration, which is contained in the annex to the present report. References to full reports and further details relating to the process are provided in the footnotes of the present report.

A. Background

54. The groundwork for the development of a right to international solidarity began with the submission of a working paper on human rights and international solidarity by Rui Baltazar Dos Santos Alves (E/CN.4/Sub.2/2004/43) to the Sub-Commission on the Promotion and Protection of Human Rights of the Commission on Human Rights, as requested in its resolution 2002/73. One of the conclusions of the working paper was that international solidarity as an instrument for the attainment of human rights was a fact of international life that needed new development. In paragraph 37 (c), Mr. Baltazar proposed a preliminary workplan, in which he recommended "studying the new international context, the new challenges and the need to define principles, objectives and priorities conducive to clarifying responsibilities in the field of international solidarity and human rights".

55. Subsequently, during its sixty-first session, the Commission on Human Rights, in its resolution 2005/55, established the mandate on human rights and international solidarity, decided to appoint an independent expert on human rights and international solidarity for a period of three years and requested the independent expert to study the issue and prepare a draft declaration on the right. Rudi Muhammad Rizki was appointed as the first independent expert on human rights and international solidarity.

56. In his first report (E/CN.4/2006/96), Mr. Rizki presented an overview of his approach to the mandate, including objectives, methodology, preliminary considerations to be refined and developed in subsequent reports and possible main areas of focus. Mr. Rizki was appointed for a further three years after his first term. During his second term, he circulated a questionnaire on human rights and international solidarity to States, United

Nations departments and bodies, specialized agencies, other international organizations, NGOs and special procedures mandate holders of the Human Rights Council. In his last report (A/HRC/15/32), he identified elements of a conceptual and normative framework for human rights and international solidarity, drawing from the responses to the questionnaire and his review of and observations on them, and highlighted significant areas of focus and emerging approaches in international cooperation.

57. In her first report to the Human Rights Council (A/HRC/21/44), the current Independent Expert outlined the work of the mandate towards the elaboration of a draft declaration. Stage One was the work done by her predecessor. Stage Two involved in-depth examination of the relevant issues, principles, standards and norms that would shift the focus from the principle of international solidarity to the right to international solidarity. Consultation with States and various stakeholders, including civil society and grass-roots representatives, was intensified throughout Stage Two. Stage Three was devoted to consolidating and analysing the results of the previous two Stages, writing and circulating the preliminary text of the draft declaration, consolidating additional comments and inputs that were received, and finalizing the draft declaration for submission to the Human Rights Council by 2014.

B. Gathering and consolidating data

58. The working paper written by Rui Baltazar Dos Santos Alves and the work of the previous Independent Expert were inspired by the historical and philosophical foundations and, to a certain extent, the link to international law, of the principle of international solidarity and its value in international relations that would lay the basis for the right to international solidarity.

59. Pursuant to Human Rights Council resolutions 9/2, 12/9, 15/13 and 18/5, the Human Rights Council Advisory Committee, working in close cooperation with the current Independent Expert, prepared and submitted a final paper (A/HRC/21/66) in contribution to the work of the Independent Expert on the draft declaration on human rights. In addition, the Office of the United Nations High Commissioner for Human Rights held an expert workshop in Geneva in June 2013 in response to Human Rights Council resolution 18/5. The workshop was convened under the auspices of the Independent Expert who gathered 26 experts from all regions. Representatives of States, United Nations agencies and NGOs attended the public segment of the workshop as observers and were invited to participate in its working groups. The discussions in the workshop focused on issues including the content, nature and added value of international solidarity; the definition of international solidarity and a right to international solidarity; the relationships between international solidarity and international cooperation; and looking beyond the MDGs. The workshop participants freely expressed their thoughts based on their individual expertise and exchanged views, as summarized by the Independent Expert (A/HRC/21/44/Add. 1).

60. Convinced that the most effective and appropriate way to understand the policy and practice of international solidarity was through empirical methods of study and observation on the ground, the Independent Expert conducted her first official country study mission to Brazil in June 2012 in order to exchange views with the Government and other actors, and gather information on the so-called "solidarity diplomacy" experiences of Brazil, particularly in the context of its international cooperation activities. As the Independent Expert explained in her report (A/HRC/23/45/Add.1), the country study mission supported the value of best practices as portals to the inherent interface between the policy and practice of international solidarity and the realization of human rights, and how such practices ineluctably lead to desirable outcomes towards the realization of human rights.

61. The Independent Expert conducted formal and informal consultations with State delegations, United Nations officials, bodies and specialized agencies, independent experts, national human rights institutions, NGOs, academics and local communities, listening to as many people as possible, including those who did not share her views regarding human rights and international solidarity.

62. In addition to the activities described above, the Independent Expert conducted in-depth research, participated in relevant forums and major events, and maximized her time in human rights education and training programmes to exchange views, observe and better understand and promote the right to international solidarity.

C. Writing the preliminary text

63. In response to resolution 21/10 of the Human Rights Council, the Independent Expert prepared and shared with Member States and all other relevant stakeholders a preliminary text of a draft declaration on the right of peoples and individuals to international solidarity, with a view to eliciting comments and inputs before she finalized the draft.

64. The Independent Expert expresses her deep gratitude to all the representatives of States, individuals, groups and institutions who have supported and contributed to the process described above, and looks forward to further collaboration with them until the process is completed.

V. Conclusions

65. **The Independent Expert acknowledges with gratitude and appreciation the work of her predecessor, who achieved important milestones during his two terms as Independent Expert on human rights and international solidarity. His work provided the basis from which she proceeded and continued towards the fulfilment of the mandate, guided by the requests contained in a number of Human Rights Council resolutions and in earlier resolutions of the Commission on Human Rights.**

66. **The current Independent Expert has the honour of submitting for the consideration of the Human Rights Council the proposed draft declaration on the right of peoples and individuals to international solidarity, contained in the annex to the present report. In preparing the draft declaration, she has strived to follow closely all requests from the Council, and has been ably assisted by the Office of the United Nations High Commissioner for Human Rights.**

67. **As described in the present and in previous reports, the Independent Expert has been continuously consulting with delegations of Member States in Geneva and, to a limited extent, in New York. Regrettably, it has not been possible to date to hold the regional consultations requested in paragraph 14 of Council resolution 23/12 of June 2013, owing to budgetary constraints.**

68. **The Independent Expert, determined to meet the target date of June 2014 for submitting the draft declaration to the Council, had no choice but to finalize the draft declaration in the absence of comments or inputs from States, except for those received from Guatemala and Qatar. The Independent Expert expresses her sincere thanks to the Governments of Guatemala and Qatar for their valuable insights and comments.**

69. **The insights, comments and inputs from United Nations agencies, independent experts, non-governmental organizations, academics, national human rights**

institutions and local communities on the preliminary text, which was circulated in 2013 and has now been issued in the addendum to the present report (A/HRC/26/34/Add.1), were of great benefit in the preparation of the proposed draft declaration.

70. However, the Independent Expert recognizes that the draft declaration must be informed by the insights, comments and direct inputs of as many Member States as possible. Hence the use of the word "proposed" in the title of the draft declaration.

71. In that regard, the Independent Expert strongly recommends that the request to hold regional consultations in Human Rights Council resolution 23/12 should be implemented, this time not on the preliminary text but on the proposed draft declaration, contained in the annex to the present report. The regional consultations should be conducted with the Independent Expert as the resource person, in a workshop format in which working groups composed of relevant policymakers, decision makers and representatives of Governments, regional United Nations agencies, national human rights institutions and non-governmental organizations can effectively examine and discuss the proposed draft declaration. The outputs from the regional consultations would thus be well-informed by direct inputs and comments on the proposed draft declaration. At the end of the consultation cycle, the Independent Expert will consolidate and consider the outputs from all the regional consultations, revise the proposed draft declaration as appropriate, and submit the amended draft declaration for the consideration of the Human Rights Council.

Annex

Proposed draft declaration on the right of peoples and individuals to international solidarity

The General Assembly,

Recalling the Charter of the United Nations, and in particular the determination of States expressed therein to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom and to employ international machinery for the promotion of the economic and social advancement of all peoples,[2]

Recognizing that one of the pillars upon which international solidarity is built is the Universal Declaration of Human Rights, in which the equal and inalienable rights of all members of the human family are recognized[3] and which states that all human beings are born free and equal in dignity and rights[4] and affirms that everyone is entitled to a social and international order in which rights and freedoms can be fully realized,[5]

Recalling the overwhelming manifestation of international solidarity expressed by States[6] in the multitude of commitments and promises relating to human rights and development, most notably the adoption of the Universal Declaration of Human Rights in 1948, the Declaration on the Right to Development in 1986, the Vienna Declaration and Programme of Action in 1993, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development in 1995, the Beijing Declaration and Platform for Action in 1995 and the Millennium Declaration in 2000,

Recalling also that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, contains various references to international cooperation and solidarity,

Affirming that international solidarity is a broad principle not limited to international assistance and cooperation, aid, charity or humanitarian assistance, and that it includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens,[7]

Mindful that, while globalization has opened up new opportunities for economic growth and development, particularly in developing countries, it has also been accompanied by a widening of the gap between developed and developing countries, widespread poverty and inequality, unemployment, social disintegration and environmental risks, and that the challenge is how to manage those processes so as to enhance their benefits and mitigate their negative effects upon people,

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[2] Charter of the United Nations, preamble.

[3] Universal Declaration of Human Rights, preamble.

[4] Ibid., art. 1.

[5] Ibid., art. 28.

[6] Human rights Council Resolution 15/13, para. 8.

[7] Human rights Council Resolution 18/5, para. 2.

Acknowledging that the ongoing globalization of trade and capital contributes to the interconnectedness and interdependence of individuals and States, presenting challenges that demand increased coordination and collective decision-making at the global level,

Stressing that international solidarity is a fundamental concept of mutually reinforcing relations among persons, groups and nations, an essential binding element that underpins global partnerships, a key approach to poverty eradication, and an indispensable component of the efforts to realize all human rights, including the right to development, as well as the Millennium Development Goals,

Recognizing that the worldwide response to HIV/AIDS led by States joining together is one example of how international solidarity can overcome global challenges such as reducing global warming, eradicating poverty and hunger, especially among children, and combating diseases and violence against women,

Taking into account the emphasis placed by the General Assembly on the importance of cooperation in its resolution 60/251 of 15 March 2006, recognizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Considering that States are developing consensus around the notion of mutual accountability,[8] described as the need for accountability to the intended beneficiaries of cooperation, and to their respective citizens, organizations, constituents and stakeholders,[9]

Emphasizing the affirmation of States, expressed in the last paragraph of the Millennium Declaration, that the United Nations is the indispensable common house of the entire human family, through which they will seek to realize their universal aspirations for peace, cooperation and development, and their pledge of unstinting support for those common objectives and their determination to achieve them,[10]

Convinced that overcoming the current global challenges and moving forward to achieve the United Nations development agenda beyond 2015, and achieving the full realization of human rights for all, critically rest on international solidarity,

Declares:

Article 1

1. International solidarity shall be understood as the convergence of interests, purposes and actions between and among peoples, individuals, States and their international organizations in order to preserve the order and ensure the very survival of international society and to achieve common goals which require international cooperation and collective

[8] Office of the United Nations High Commissioner for Human Rights and Center for Economic and Social Rights, *Who will be accountable? Human Rights and the Post-2015 Development Agenda* (HR/PUB/31/1). Available from www.ohchr.org/Documents/Publications/WhoWillBeAccountable.pdf.

[9] See The Busan Partnership for Effective Development Cooperation 2011 outcome document. Available from www.oecd.org/dac/effectiveness/49650173.pdf. See also Organization for Economic Cooperation and Development, Development Assistance Committee, "DAC action-oriented policy paper on human rights and development" (2007). Available from www.oecd.org/development/governance-development/39350774.pdf.

[10] General Assembly resolution 55/2, para. 32.

action,[11] based on the international normative system of duties which they implement and practise to foster peace and security, development and human rights.

2. International solidarity shall be made evident in the collective actions of States that have a positive impact on the exercise and enjoyment of human rights by peoples and individuals within and outside of their respective territories, notably in the ratification of the United Nations international human rights treaties and international labour standards and the adoption of commitments and decisions agreed upon voluntarily between and among States at the regional and international levels.

Article 2

International solidarity shall be founded on the following principles:

(a) The purposes and principles of the Charter of the United Nations in the true spirit of unity and fraternity;

(b) Justice, equity, peaceful coexistence, non-interference, self-determination, mutual respect and accountability in international relations;

(c) The permanent sovereignty of each State over its own natural wealth and resources and to determine freely, with its peoples, their own objectives of social development, to set their own priorities and to decide, in conformity with the principles of the Charter of the United Nations, the means and methods of achieving those objectives, without any external interference;[12]

(d) The right to development as a common concern of humanity;

(e) Equitable, just and fair partnerships of States as the basis of international cooperation;

(f) Good practices of collective action on the ground, whether among peoples, individuals or States, that give rise to desirable outcomes in advancing respect for and protection and fulfilment of human rights and fundamental freedoms for all individuals, without distinction as to sex, age, ethnicity, disability or other status;

(g) The accountability of States to their peoples with regard to the implementation of their foreign policy and their bilateral, regional and international agreements and partnerships;

(h) The accountability of States for the actions of the international organizations of which they are members, which should be consistent with the States' international human rights obligations,[13] including their extraterritorial obligations;

(i) The accountability of States for the actions and omissions of the private sector within their jurisdiction, including when operating outside their national boundaries;

(j) Mutual respect and accountability in all global partnerships for sustainable development, among and between States and/or non-State actors.

Article 3

The core features of international solidarity shall be that:

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[11] Based on Human rights and international solidarity (A/HRC/4/8), para. 12.

[12] Final paper on human rights and international solidarity (A/HRC/21/66), para. 22 (e).

[13] Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health, para. 50.

(a) Preventive solidarity, characterized by collective actions to safeguard and ensure the fulfilment of all human rights, implies for States to fully respect and comply with their obligations under international law, and in the case of peoples, individuals, civil society and their organizations, to complement the efforts of States through their activities in that regard. Preventive solidarity is essential to achieving both intergenerational and intra-generational solidarity and is a vital component of the duty of States to provide and seek international cooperation and assistance in the implementation of their human rights obligations, particularly their core obligations;

(b) International cooperation rests on the premise that some members of the international community may not possess the resources necessary for the full realization of the rights set forth in international human rights treaties. States in a position to do so should provide international assistance, acting separately and jointly, to contribute to the fulfilment of human rights in other States in a manner consistent with the fundamental principles of international law and international human rights law.

Article 4

1. International solidarity shall be a new foundational principle underpinning contemporary international law, responding to the need for transformative change encompassing the objectives of equity, equality in outcome, sustainability, security, social justice and empowerment, applicable to all developing and developed countries alike.

2. As such, the general objective of international solidarity shall be to create an enabling environment in which all human rights, including the right to development, can be progressively realized for all peoples and individuals through international cooperation and preventive solidarity measures undertaken by States, international organizations, civil society and all other stakeholders who constitute international society, in active partnerships with each other, with a view to:

(a) Preventing and removing the fundamental causes of the asymmetries and inequalities between developed and developing countries and populations and the structural obstacles and factors that generate and perpetuate poverty worldwide;

(b) Engendering trust and mutual respect between State and non-State actors in creating an enabling environment for realizing the right to development;

(c) Fostering the equitable, just and fair distribution of benefits in a globalized world through the protection and fulfilment of all human rights for all.

Article 5

1. The right to international solidarity shall be understood as a fundamental human right by which peoples and individuals have the freedom to enjoy, on the basis of equality and non-discrimination, the benefits of a harmonious international society with a just and fair international political and economic order, in which all human rights and fundamental freedoms may be fully realized.[14]

2. Human rights, a birthright which everyone holds in common, binding peoples and individuals together in solidarity across cultural diversities and variations in language, religion, national or social origin, property, birth or other status, shall entitle everyone to the freedom to exercise and enjoy the right to international solidarity, and to participate in and contribute to its full realization in accordance with applicable international human rights standards.

[14] Final paper on human rights and international solidarity (A/HRC/21/66), para. 7.

3. The right to international solidarity shall be drawn from the freedoms and entitlements already codified in international human rights treaties reflecting core economic, social and cultural rights, civil and political rights, the right to development and international labour standards, complemented by other responsibilities arising from voluntary commitments and decisions in the various relevant fields at the bilateral, multilateral, regional and international levels.

Article 6

1. The rights-holders of the right to international solidarity shall include individuals, peoples, such as indigenous peoples and minorities, and civil society groups and organizations within the population who are either self-identified and/or identified as such by others, including States.

2. Rights-holders shall also include those who are outside dominant paradigms, but who nevertheless share similar values and concerns and are structured in some way,[15] such as:

(a) Local and grass-roots communities which are unable to represent themselves or are underrepresented in and isolated from larger civil societies and organizations;

(b) Groups in social spheres that transcend national borders, such as transnational and diaspora communities;

(c) Transnational advocacy networks, including those that simultaneously participate in both domestic and international activities, that are bound by shared values and discourses and that engage in dense exchanges of information and services;[16]

(d) Virtual communities of individuals that may be geographically separated, but are nevertheless connected through the Internet and digital media and who together develop similar world views.

Article 7

Peoples and individuals, regardless of sex, age, ethnicity, disability or other status, shall have the right, individually and in association with others within or beyond their territories and national boundaries, and as provided for in human rights and other applicable international instruments:

(a) To seek, obtain, receive and impart to others, information about their right to international solidarity, and to have access to knowledge about how this right and its related freedoms are given effect in domestic and international legislative, judicial or administrative systems;

(b) To establish forums and platforms, domestically or transnationally, in which actors in different situations and geographic locations can peacefully share, discuss and disseminate information, interact with each other, negotiate – formally or informally – and advance their social, cultural and political interests, in order to foster respect, protection and fulfilment of all human rights for all on the basis of equality and non-discrimination;

(c) To form, join, interact with and participate in organizations, associations, networks and groups, on the local, regional and international levels, for the purposes of

[15] Newman, D. As cited in De Feyter, K., *Towards a Framework Convention on the Right to Development* (Geneva, Friedrich Ebert Stiftung, 2013).

[16] Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (New York, Cornell University Press, 1998).

advocating and influencing policy decisions and outcomes that affect them, and of monitoring compliance by States with their international human rights obligations and non-State actors with their ethical responsibilities and codes of conduct;

(d) To be informed in a timely manner by relevant State agencies of the commitments and decisions agreed upon by their government representatives at the bilateral, regional and international levels;

(e) To participate and be adequately consulted in decision-making for development, especially in matters affected by regional and international trade, investment and other relevant agreements;

(f) To share in the social, economic and cultural benefits arising from the international trade, investment and other relevant agreements entered into by their governments on the bilateral, regional and international levels;

(g) To contribute, individually or in association with others, to the development of the cultural life of the communities to which they freely choose to belong, at the national, regional and international levels;

(h) To seek and obtain redress before national and international human rights mechanisms, where failure by States to fulfil their commitments made at the national, regional and international levels results in the denial and/or violation of human rights; and,

(i) To seek and obtain redress before national and international human rights mechanisms, where the actions and omissions of non-State actors at the national, regional and international levels adversely affect the exercise and full enjoyment of their human rights.

Article 8

1. The duty-bearers of the right to international solidarity shall be primarily States and non-State actors that work with peoples and individuals and, as such, also bear responsibilities, many of which may be similar and complementary to the duties of States.

2. States shall adhere to their obligations in accordance with the international human rights treaties they have ratified and to the commitments and decisions they have agreed to at the regional and international levels.

3. Non-State actors shall abide by their ethical responsibilities and codes of conduct and shall respect the right of peoples and individuals to international solidarity.

4. States and non-State actors alike shall be guided by the principles on which international solidarity is founded.

Article 9

1. In the elaboration and implementation of international agreements and related standards, States shall ensure that the procedures and outcomes are fully consistent with their human rights obligations in matters pertaining to, inter alia, international trade, investment, finance, taxation, climate change, environmental protection, humanitarian relief and assistance, development cooperation and security.

2. States shall take appropriate, transparent and inclusive action to consult their populations and fully inform them of the decisions agreed upon at the national, bilateral, regional and international levels, in particular on matters that affect their lives.

3. States shall adopt and effectively implement policies and programmes targeted at the protection and promotion of, inter alia, the rich variety and diversity that exists in the cultures of peoples and individuals who make up international society and the reciprocal

influences they exert on each other; the right to participate fully and freely in decision-making from the local to the international levels; unimpeded access to communication, to actual and virtual spaces where peoples and individuals can freely exchange information without unnecessary restrictions; and the privacy of the individual.

4. States shall cooperate with each other and with non-State actors to take all necessary actions to put an end to extreme poverty, hunger, illiteracy, preventable deaths and contemporary slavery in all its forms, including human trafficking and sexual exploitation in cyberspace, paying particular attention to, inter alia, children in situations of poverty and hunger, the intersection of gender-based discrimination, poverty, socioeconomic marginalization and violence, and the links between trafficking in human beings, corruption, terrorism, militarism, trade in arms and gender-based violence; and shall devote sustained and consistent attention to the issue of women and girls in all situations of vulnerability and multiple forms of discrimination, who are particularly at risk of gender-based violence.

5. States shall protect and promote good practices of peaceful and productive collective action — whether among individuals, peoples or States — that give rise to desirable outcomes in advancing all human rights and fundamental freedoms for all.

Article 10

1. States shall establish an appropriate institutional framework and adopt domestic measures to give effect to the right of peoples and individuals to international solidarity, in particular by ensuring and facilitating access for everyone to domestic and international legislative, judicial or administrative mechanisms:

(a) When failure of States to fulfil their commitments made at the regional and international levels results in denials and violations of human rights; and

(b) When actions and omissions by non-State actors adversely affect the exercise and full enjoyment of their human rights.

2. States shall promote and prioritize support for micro, small and medium community-based and cooperative enterprises which generate the majority of jobs around the world, including through national and international grants and concessional loans.

3. States shall be guided by International Labour Organization Recommendation No. 202 (2012) concerning National Floors of Social Protection, with a view to securing universal access to social services.

Article 11

1. States shall implement a human rights-based approach to international cooperation and all partnerships in responding to global challenges such as those relating to:

(a) Global governance, regulation and sustainability in the areas of climate change, protection of the environment, humanitarian relief and assistance, trade, finance, taxation, debt relief, technology transfer to developing countries, social protection, universal health coverage, reproductive and sexual health, food security, management of water and renewable energy resources, social standards, free education for all, human rights education, migration, and labour, and in countering dumping of toxic wastes, and transnational organized crime, such as terrorism, human trafficking, piracy and proliferation of arms;

(b) Participatory global governance in order to address structural inequalities including gender power relations; and

(c) Creating a global enabling environment for development that is centred on peoples and individuals.

2. States shall establish and implement appropriate mechanisms to ensure that international cooperation is based on equal partnerships and mutual commitments and obligations, where partner States are accountable to each other, as well as to their respective constituents at the national level, for the outcomes of policies, strategies and performance, whether at the bilateral, regional or international level, which shall reflect the best interests of their citizens and all others within their jurisdiction, in accordance with international human rights principles and standards.

3. States shall give effect to the establishment of a fair, inclusive and human rights-based international trade and investment regime where all States shall act in conformity with their obligation to ensure that no international trade agreement or policy to which they are a party adversely impacts upon the protection, promotion and fulfilment of human rights inside or outside of their borders

4. International cooperation shall be targeted to the primary responsibility of each State to implement its human rights obligations on the national level, both in the immediate fulfilment of core obligations as a priority, and in the concrete, deliberate and targeted progressive realization of all human rights, including the right to development.

Article 12

The right to international solidarity shall impose on States particular negative obligations, required by applicable international human rights instruments, including:

(a) Not adopting free trade agreements or investment treaties that would undermine peoples' livelihoods or other rights;

(b) Not imposing conditionalities in international cooperation that would hinder or make difficult the exercise and enjoyment of human rights;

(c) Not denying anyone access to life-saving pharmaceuticals and to the benefits of medical and scientific progress;

(d) Not engaging in irregular weapons trading;

(e) Not impeding access to information and communications technology;

(f) Not increasing or contributing to global warming;

(g) Not causing the depletion of or irreparable damage to natural resources;

(h) Not damaging the common heritage of humankind;

(i) Not undermining the rights of future generations.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Independent Expert on human rights and international solidarity, Virginia Dandan

Addendum

Preliminary text of a draft declaration on the right of peoples and individuals to international solidarity*

Summary

The present report contains the preliminary text of a draft declaration on the right of peoples and individuals to international solidarity, in accordance with paragraph 14 of Human Rights Council resolution 23/12. The preliminary text was circulated via a note verbale to Member States and other relevant stakeholders in the last quarter of 2013, with a view to eliciting comments and inputs prior to finalizing the text of the draft declaration.

The Independent Expert expresses her deep gratitude to all the representatives of States, the individuals, groups, institutions and others who have supported and contributed to the consultation process. She looks forward to further collaboration with them in the process of finalizing the draft declaration.

* The summary of the present report is circulated in all the official languages. The report itself, contained in the annex to the summary, is circulated as received.

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Annex

[English only]

Report of the Independent Expert on human rights and international solidarity, Virginia Dandan

Preliminary text of a draft declaration on the right of peoples and individuals to international solidarity

I. Preambular Paragraphs

Recalling the Preamble of the Charter of the United Nations, in particular the determination by States to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small; to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; to promote social progress and better standards of life in larger freedom; and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recognizing that there is an overwhelming collective manifestation of international solidarity by States as expressed in the multitude of commitments and promises relating to human rights and development that they have made most notably the adoption of the Universal Declaration of Human Rights in 1948, the Vienna Declaration and Programme of Action in 1993, the Declaration on the Right to Development in 1986 and the Millennium Declaration in 2000,

Recalling the recognition as set forth in the declaration adopted by the heads of State and Government at the Millennium Summit of the United Nations of the fundamental value of solidarity to international relations in the twenty-first century, stating that: global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice; those who benefit least, deserve help from those who benefit most; responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally;[1] in addition to their separate responsibilities to their individual societies, they have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level; [2]as well as the resolve to create an environment – at the national and global levels alike – which is conducive to development and to the elimination of poverty,[3]

Recalling further that the World Conference on Human Rights where States adopted the Vienna Declaration and Programme of Action in June 1993, contains various references to notions of international cooperation and solidarity; thus, in the preamble, respect for the principles of "peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living, and solidarity" is cited and strengthened by the determination "to

[1] United Nations Millennium Declaration, UN Doc. A/55/49 (2000), para. 6.

[2] Ibid., para. 2.

[3] Ibid., para. 12.

take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,"

Considering that in development forums, States are increasingly developing consensus around the notion of mutual accountability,[4] described at the Busan High Level Forum on Aid Effectiveness as the need for accountability to the intended beneficiaries of our cooperation, as well as to our respective citizens, organizations, constituents and shareholders."[5]

Stressing that international solidarity is a fundamental conception of mutually reinforcing relations among persons, groups and nations; as an essential binding element that underpins global partnerships; a key approach to poverty eradication; and an indispensable component of the efforts to realize all human rights, including the right to development, and the Millennium Development Goals,

Affirming that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; that it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens,[6]

Taking into account the repeated emphasis on the importance of cooperation by the General Assembly contained in its resolution 60/251 and in the preamble recognizing that "the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings",

Reiterating the commitment of States expressed in the last paragraph of the Millennium Declaration: "The United Nations is the indispensable common house of the entire human family, through which we will seek to realize our universal aspirations for peace, cooperation and development. We therefore pledge our unstinting support for these common objectives and our determination to achieve them."[7]

II. Preliminary Operational Paragraphs

Article 1

1. International solidarity is the union of interests, purposes and actions between and among peoples, individuals, States and their international organizations, to preserve the order and the very survival of international society, and to achieve common goals that require international cooperation and collective action based on the international normative system of obligations, duties and responsibilities, which they implement and practice to foster peace and security, development and human rights, in accordance with the Charter of the United Nations.

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[4] OHCHR & CESR. (2013) Who will be Accountable? Human Rights and the Post-2015 Development Agenda. New York and Geneva.

[5] See Busan Partnership for Effective Development Cooperation 2011 Outcome Document and the OECD-DAC "Action-oriented policy paper on human rights and development" at www.oecd.org.

[6] A/HRC/RES/18/5.

[7] Millennium Declaration, para. 32.

2. International solidarity is evident in the actions collectively undertaken by States, that have a positive impact on the exercise and enjoyment of human rights by peoples and individuals within and outside of their respective territories, particularly in matters pertaining *inter alia* to bilateral and multilateral trade, investment, taxation, finance, environmental protection, and development cooperation.

3. These actions include ratification by States of the United Nations international human rights treaties; the commitments, agreements and pledges adopted and agreed upon between and among States at the intergovernmental, regional and international levels; the measures and policies by each State in relation to its foreign relations including its actions within international organizations; and its domestic measures and policies that arise from, or that inform their international commitments.

4. International solidarity responds to the need for transformative change that encompasses the objectives of equity, sustainability, security and empowerment that are applicable to all countries, not only developing countries.

Article 2

1. Preventive solidarity aims at overcoming the root causes of poverty, inequality and gender imbalances, implying that States fully respect and comply with their obligations under international law, pledged at the United Nations.

2. Preventive solidarity is essential to the achievement of both intergenerational and intra-generational solidarity and is a vital component of the duty of State to provide and seek international cooperation for the purpose of assistance in the implementation of its human rights obligations, particularly for its most vulnerable and marginalized peoples and individuals.

Article 3

International solidarity is also evident in the actions across borders undertaken together by peoples and individuals, the former being interpreted to include groups, associations, organizations, civil society, and those that are not accommodated in dominant paradigms, but that share similar values and concerns and are structured in some way[8] such as those in:

(a) Local and grassroots communities, who are unrepresented in and isolated from, mainstream civil societies and organizations;

(b) Social spheres that transcend national borders such as transnational communities, and diaspora communities among others;

(c) Transnational advocacy networks including those that participate in domestic and international activities simultaneously, bound by shared values and discourses, and who engage in dense exchanges of information and services;[9] and,

(d) Virtual communities of differently situated individuals who are linked through the Internet and who together, consequently develop similar world views.

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[8] Newman, D. as cited in De Feyter, K. (2013) *Towards a Framework Convention on the Right to Development.* Geneva: Friedrich Ebert Stiftung.

[9] Keck, M. and K. Sikkink. (1998) *Activists Beyond Borders: Advocacy Networks in International Politics.* New York: Cornell University Press.

Article 4

As such, the general objective of international solidarity is to create an enabling environment where all human rights including the right to development, can be progressively realized for all peoples and individuals, through effective multilateral preventive solidarity measures undertaken by States and international organizations, in active partnerships with each other and with peoples and individuals who constitute the international society with a view to:

(a) Preventing and removing the root causes of the asymmetries and inequalities between developed and developing countries and populations, as well as the structural obstacles that generate poverty worldwide; and,

(b) Fostering the equitable, just and fair distribution of benefits in a globalized world through the protection and promotion of all human rights.

Article 5

The right to international solidarity encompasses and bears upon:

(a) The fulfilment of the purposes and principles of the Charter of the United Nations in the true spirit of oneness and harmony;

(b) Adherence to the principles of justice, equity, peaceful coexistence, non-interference, self-determination, mutual respect and accountability in international relations;

(c) The right to development as a common concern of humanity to be realized based on partnerships and the mutual recognition of responsibility and accountability of all partners;

(d) Equitable, just and fair partnerships of States as the basis of international cooperation with regard to international assistance, official development aid, and other international cooperation agreements in the contemporary circumstances of globalization and growing interdependence;

(e) The permanent sovereignty of each State over its own natural wealth and resources;

(f) The right and the responsibility of each State and its peoples to determine freely their own objectives of social development, to set their own priorities and to decide, in conformity with the principles of the Charter of the United nations, the means and methods of their achievement, without any external interference;[10]

(g) The responsibilities of the multiple non-State actors in the development process;

(h) The primary responsibility of States in meeting their respective national human rights obligations as well as the extraterritorial obligations jointly shared with other States;

(i) The accountability of all States to their peoples with regard to the implementation of their foreign policy, bilateral, regional and international agreements and partnerships;

[10] See A/HRC/21/66. (2012) Final paper on human rights and international solidarity. para. 22(e).

(j) The accountability of all States before international structures and mechanisms such as, *inter alia*, the Universal Periodic Review and the United Nations human rights treaty bodies, and the supporting national policies aiming to respect, protect, promote, and fulfil human rights, including respect for cultural diversity and the right to peace;

(k) Good practices of collective action on the ground – whether among individuals, peoples or States – that give rise to desirable outcomes in advancing the respect for, protection and fulfilment of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion;

(l) The achievement of gender equality in all sustainable development initiatives, including in areas related to climate change, water management, renewable energy generation, access to resources, services, social protection, education and markets;

(i) The structural analysis and consequent dismantling of the root causes that perpetuate discrimination against women resulting in poverty and in the violation of women's human rights;

(j) Global partnerships aimed at achieving the United Nations Development Agenda before and beyond 2015.

Article 6

1. The right to international solidarity is a fundamental human right which peoples and individuals have the freedom to enjoy, on the basis of equality and non-discrimination, the benefits of a harmonious international society with a just and fair international political and economic order, in which all human rights and fundamental freedoms may be fully realized.[11]

2. Everyone holds in common the birthright of human rights that link peoples and individuals together in solidarity, across cultural diversities and variations in language, religion, national or social origin, property, birth or other status, and therefore entitles everyone to the freedom to exercise and enjoy the right of peoples and individuals to international solidarity, and to participate and contribute to its full realization in accordance with applicable international human rights standards.

3. The right of peoples and individuals to international solidarity draws on the human rights norms and principles already codified in international legal instruments reflecting core economic, social and cultural rights as well as civil and political rights, and the right to development.

4. The right of peoples and individuals to international solidarity therefore consists of their entitlements along with the obligations of States that are well-established in international human rights treaties, with the addition of common but differentiated responsibilities arising from interactions in the various relevant fields at the national, regional and international level.

5. The right to international solidarity guarantees that peoples and individuals should benefit from the fulfilment of commitments, agreements and pledges arranged and agreed upon between and among States at the bilateral, intergovernmental, regional and international levels.

[11] Ibid. para. 7.

Article 7

Peoples and individuals have the right, individually and in association with others within their territories and beyond national boundaries, and as provided for in human rights and other applicable international instruments:

(a) To seek, obtain, receive and impart to others, information about their right to international solidarity, and to have access to knowledge about how this right and its related freedoms, are given effect in domestic and international legislative, judicial or administrative systems;

(b) To establish political spaces domestically or transnationally, in which actors in different situations and locations can peacefully share and disseminate information, interact with each other, negotiate and undertake—formally or informally—their social, cultural, and political interests, in order to foster the respect, protection and fulfilment of all human rights for all;

(c) To form, join, interact with, and participate in organizations, virtual networks, or in groups, on the regional and international levels, for the purpose of advocating and influencing policy decisions and outcomes that affect them, and of monitoring compliance by States with their international human rights obligations, and non-State international actors with their responsibilities and ethics of conduct.

(d) To seek redress before national and international human rights mechanisms, where failure by States to fulfil their commitments made at the regional and international levels, results in deprivation and/or violations of human rights.

Article 8

1. International cooperation among States is an integral part of the right to international solidarity, as a complement to the primary responsibility of each State to implement their national human rights obligations, with the effective and immediate fulfilment of core obligations as a priority, while at the same time taking concrete, deliberate and targeted steps with the maximum of available resources, to move expeditiously towards the progressive realization of human rights, including the right to development.

2. The duty of international cooperation rests on the premise that some members of the international community may not possess the resources necessary for the full realization of rights set forth in international human rights treaties, and that States in a position to do so should provide international assistance, acting separately and jointly, to contribute to the fulfilment of human rights in other States, in a manner consistent with the fundamental principles of international human rights law: non-discrimination and equality including gender equality, participation, transparency and accountability.

Article 9

The right to international solidarity entails a human rights based approach to international cooperation and all global partnerships in responding to global challenges such as those relating to global governance, regulation and sustainability in the fields of climate change, the environment, humanitarian assistance, trade, finance, taxation, debt relief, human trafficking, dumping of toxic wastes, social protection, universal health coverage, reproductive and sexual health, food security, water management, renewable energy resources, social standards, migration and labour, and strengthening participatory

global governance in order to address structural inequalities such as gender inequality, and in creating a global enabling environment for a people-centred development.

Article 10

1. The right to international solidarity requires that international cooperation should be based on equal partnerships, mutual commitments and obligations, including mutual accountability enhanced through transparency in the use of development resources obtained through international cooperation, and joint assessment of mutual progress.

2. The right to international solidarity in international cooperation, holds partner States accountable to each other and to their respective constituents at the national level, for the outcomes of policies, strategies and performance at the bilateral, regional and international level, which should reflect the best interests of their peoples.

Article 11

1. States should strive for the fulfilment of the right to peace, for friendly relations and cooperation with each other, irrespective of differences in their cultural, social, economic and political systems and for the peaceful settlement of international disputes without resorting to or threatening the use of force.

2. The right to international solidarity holds inviolable the right of each State and peoples to determine freely their own objectives of social development, to set their own priorities and to decide, in conformity with the principles of the Charter of the United Nations, the means and methods of their achievement without any external interference.

3. In light of the common challenges of humankind in the contemporary world, the right to international solidarity requires States to act with common but differentiated responsibilities, taking into account their historical advantages and contributions to the challenges facing humanity.

Article 12

1. In the elaboration and implementation of international agreements and related standards, States must ensure that the procedures and outcomes are fully compliant with their human rights obligations, including those relating to international trade, investment, finance, taxation, environmental protection, development cooperation, and security, with a view to creating an international enabling environment conducive to the universal fulfillment of human rights.

2. As a member of an international organization, the State continues to be responsible for its own conduct in relation to its human rights obligations within and outside its territory, and therefore should ensure that the relevant international organization acts consistently with the State's international human rights obligations[12] including its extraterritorial obligations.

3. It is the responsibility of States to cooperate in creating mechanisms on the national, regional and international levels, to hold accountable all relevant actors – State and non-

[12] Committee on Economic, Social and Cultural Rights. (2000) General Comment No. 14: the right to the highest attainable standard of health. E/C.12/2000/4.

State entities alike – for their actions or inactions that have an impact on the full exercise and enjoyment of human rights and fundamental freedoms.

Article 13

1. States should respect and protect *inter alia*, the rich variety and diversity in the cultures of peoples and individuals who make up international society and the reciprocal influences they exert on one another, their right to participate in decision-making from the local to the international levels, their access to communication and free exchange of information without unnecessary restrictions, and the privacy of the individual.

2. States should ensure that there is a balanced gender representation in States' delegations to diplomatic and international decision-making forums, on all issues and levels, and not just on women's rights.

3. States should cooperate jointly, to address the intersection of gender based discrimination, poverty, socio-economic marginalization and violence, as well as the links among trafficking in human beings, corruption, terrorism, militarism, trade in small arms, and gender-based violence, and devote sustained and consistent attention to the issue of women and girls in all situations of vulnerability and multiple forms of discrimination who are particularly at risk of gender-based violence.

4. The right to international solidarity requires that States engaged in actions of international cooperation should refrain from imposing conditions that would hinder the exercise and enjoyment by peoples and individuals of their human rights.

5. States should respect, protect and promote good practices of peaceful and productive collective action – whether among individuals, peoples or among States – that give rise to desirable outcomes in advancing all human rights and fundamental freedoms for all.

6. States should respect and protect the right of peoples and individuals exercise their right to seek, obtain, receive and impart to others, information about the right to international solidarity, including through giving effect to this right in domestic and international legislative, judicial or administrative systems;

7. States should respect, protect and ensure the right of peoples and individuals to access remedies and redress through national and international human rights mechanisms, when the failure of States to fulfil their commitments made at the regional and international levels, results in deprivation and violations of human rights.

8. The right to international solidarity imposes on States particular negative obligations required by applicable international human rights instruments including:

(a) Not adopting free trade agreements that would undermine peoples' livelihoods or other rights;

(b) Not increasing or contributing to global warming;

(c) Not causing the depletion of or irreparable damage to natural resources;

(d) Not engaging in irregular weapons trading; and

(e) Not impeding access to information and communications technology.